Fighting Terror With Databases; Domestic Intelligence Plans Stir Concern The Washington Post

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When the Justice Department announced plans in November to interview 5,000 Middle Eastern men who share certain demographic traits with the 19 al Qaeda hijackers, senior officials described the program somewhat modestly as an extension of the Sept. 11 investigation, one more way to prevent terrorism.

In fact, the now-completed interviews and upcoming interrogations of Middle Eastern immigrants who have ignored deportation orders are only the most visible pieces of a broad effort to expand the war on terrorism through domestic intelligence-gathering. The effort will marry 21st-century technology with tactics not seen since the 1950s and '60s, according to federal documents and interviews with informed sources.

The intelligence-gathering system being born will ultimately combine more than $ 100 million in new funding, powerful new terrorism laws, an expanded role for local police and state-of-the-art computer networks that will link federal agents with thousands of police departments. Local authorities may soon be empowered to obtain virtually all of the FBI's most sensitive information under laws being considered in Congress. The new role for local police is one of the most significant aspects of the new system. On the FBI's behalf, local police conducted many of the voluntary interviews, returning local law enforcement for the first time in 25 years to the sensitive job of gathering intelligence on political and religious groups suspected of violence.

In Florida, for example, state anti-terrorism task forces were detailed by the Justice Department to find and interview the 546 men on the list of 5,000 believed to live in that state.

A Jan. 25 memo from Deputy Attorney General Larry Thompson to anti-terror officials shows that authorities have created a computer database for information gleaned from several thousand interviews conducted since December. Hundreds of other foreign visitors sought for questioning could not be located or declined to participate, officials said.

The same database will be used to compile intelligence from interrogations that will accompany a current program to apprehend 6,000 illegal immigrants from nations considered al Qaeda strongholds.

But some FBI officials view the earlier interview project as a waste of time unlikely to produce evidence against al Qaeda. And some legal experts and civil liberties groups are concerned that

its far-reaching nature could lead to racial profiling or entrapment. Others fear past abuses may be repeated.

"It sounds to me like we are right back in the 1930s, the 1940s and the 1950s," said Marquette University Professor Athan Theoharis, a leading historian of the Justice Department and chief editor of an authoritative compendium on the FBI.

Bush administration officials have defended the 5,000-interview project as legal and voluntary, as well as necessary for smoking out terrorists who might be living quietly in the United States.

"This is the least intrusive type of investigative technique that one can imagine" Assistant Attorney General Michael Chertoff told Congress. "This is not rousting people, this is not detaining people, this is not arresting people. This is approaching people and asking them if they will respond to questions."

The other program, which focuses first on Middle Eastern immigrants among the 314,000 people known to have ignored deportation orders, is also a logical way to thwart terrorists and gather intelligence, officials say. But that effort has been criticized as racial profiling.

The overall goal is a richer federal database of potential witnesses, suspects and confidential informants who may be recruited to serve as listening posts in the Muslim community.

"There is more than one purpose to doing these interviews," FBI Deputy Assistant Director Steve McCraw said. "One is to recruit individuals who may have information. They may not have information now, but they may come in contact with the information later."

Interviewers are asked to provide a detailed profile of each subject and his movements, noting past residences, travel, education and family members. The interviewers are urged to elicit each man's views about terrorism and the Sept. 11 attack, and to ask for the names of people who might support terrorism.

"In many ways, it's more difficult than looking for the proverbial needle in a haystack, because in this instance, the needle comes in disguise, disguised as a stalk of hay," Chertoff said during a Nov. 28 congressional hearing.

Several historians who specialize in the FBI and the Justice Department said the interview project resembles Cold War programs that targeted "subversive" domestic political movements and led to abuses that were uncovered in the COINTELPRO scandal of the mid-1970s.

Using mass intelligence gathering to prevent terrorism, Theoharis contended, is similar to the Justice Department's use of loyalty oaths and guilt-by-association in the 1950s to fight communist subversion. In the end, he said, agents end up focused on political or religious beliefs instead of admissible evidence.

"How do you identify someone who might engage in terrorist activities?" Theoharis said. "You

look at their political views. You examine how they feel about American foreign policy."

Intelligence gathering on political activity reached a crescendo in the 1960s, according to a 1975 Senate report. Thousands of detailed dossiers were produced on politically active Americans who had committed no crimes. Based on reports from local police and various federal agencies, these intelligence files were indexed by computer in a central Justice Department office called the Interdivisional Intelligence Unit.

The security indexes became targeting lists for tax audits and disinformation campaigns. By the early 1970s, the FBI had 500,000 dossiers, including 65,000 opened in 1972.

But author and political scientist James Q. Wilson, who advised the Johnson and Reagan administrations on criminal justice and intelligence issues, said a return to systematic political repression by local police is unlikely. The fierce anti-subversive passions that fostered the Red Scare of the 1950s no longer exist, he said.

"Whatever happens today will happen in a very different environment," Wilson said. "The country has responded to [Sept. 11] in a sober and adult way. I place a lot of confidence in the culture of the country as to what the outcome of these efforts will be, because the culture either endorses or repudiates what it is possible for government officials to do."

As the United States intensifies its war at home against terrorism, advanced technology will play an essential role in creating a 21st-century version of an intelligence index. Federal officials contemplate a large national computer network that connects all police intelligence units and federal anti-terror agencies.

The skeleton of the new system is in place. Known as the Regional Information Sharing System, it is a secure intranet that enables 5,600 local police departments and federal field offices to search an index of criminal intelligence information held in other jurisdictions. The system helps small local police departments who cannot afford expensive technology of their own.

Richard Ward, a deputy director of the Justice Department bureau that funds the system, said the department wanted to make sure the system "doesn't fall into the trap of the old Red Squads, and all the bad stuff that has happened in police intelligence." The infamous Red Squads were police intelligence units of the 1950s and 1960s that spied on civil rights and anti-war groups and were later criticized for illegal and harassing tactics.

In Chicago, for example, the local Red Squad "spied on, infiltrated and harassed a wide variety of political groups," wrote Chief Judge Richard A. Posner of the 7th Circuit Court of Appeals in an opinion in January. "Most of the groups, including most of the politically extreme groups, were not only lawful, and engaged in expressive activities protected by the First Amendment, but also harmless. The motives of the Red Squad were largely political and ideological, though they included a legitimate concern with genuine threats to public order."

The Red Squad system was encouraged and expanded by the Johnson and Nixon

administrations in response to the social turmoil of the 1960s. Intelligence reports from the units were funneled into the Justice Department clearinghouse, where they were entered into a computerized database.

Ward said the new system will avoid the old problems by adhering to a federal regulation that requires the intelligence in the database to be linked to an alleged crime.

The anti-terrorism bill, known as the USA Patriot Act, expanded the authority and capability of the RISS system. In the past, the system indexed some terrorism-related intelligence when the data could be linked to a specific crime, such as a bombing. But suspected terrorists, who were linked to an organization but not to specific violent acts, could not be indexed.

From now on, these suspected terrorists can be listed in the RISS index because the Patriot Act created the new federal crime of terrorism.

"The Patriot Act will make it easier to place these individuals in some form of database so they can be looked at very carefully," said Gerald Lynch, a senior official with RISS. "Before the Patriot Act, you couldn't put someone in who was a terrorist. There was no crime."

In a move that reflects the bipartisan support for these efforts, Sen. Patrick J. Leahy (D-Vt.) inserted a provision in the recently enacted anti-terrorism legislation that authorized a sharp increase in funding for the network. Bush's fiscal 2003 budget provides $ 25 million for the program on top of the $ 28 million being spent in the current fiscal year.

During recent debate over new anti-terrorism provisions, Rep. Janice D. Schakowsky (D-Ill.) raised the specter of the Red Squads.

"In the 1970s, I was part of a housewife community organization that it turns out was spied upon secretly by a unit of the Chicago Police Department," Schakowsky recalled for colleagues in Congress.

But even before Sept. 11, other officials were arguing that it was time to move on.

In the case of Chicago, the city asked a federal court to ease the terms of a consent decree that regulated police intelligence gathering. On Jan. 11, 2001, the 7th Circuit Court of Appeals agreed. Posner ordered the court in Chicago to loosen the rules on the city's police department.

"The era in which the Red Squad flourished is history, along with the Red Squad itself," Posner said in an opinion. "The instabilities of that era have largely disappeared. Fear of Communist subversion, so strong a motivator of constitutional infringements in those days, has disappeared along with the Soviet Union and the Cold War. Legal controls over police, legal sanctions for the infringement of constitutional rights, have multiplied. The culture that created and nourished the Red Squad has evaporated."